Hooper, Lundy & Bookman has some of the nation’s most experienced and highly regarded experts in the federal physician self-referral statute (the “Stark” law), the federal anti-kickback statute, and the state law equivalents. The firm’s attorneys have handled many of the most significant Stark and fraud and abuse cases in the country. For example, our firm handled the landmark case of Hanlester Network v. Shalala, 51 F.3d 1390 (9th Cir. 1995), which is the only federal case to apply the anti-kickback statute to a physician-owned joint venture.

Our firm represents a broad spectrum of health care providers and suppliers on Stark law and anti-kickback statute issues, including hospitals and hospital systems throughout the country, as well as some of the largest device and pharma companies in the world.

Our lawyers have lectured and published widely on the Stark and fraud and abuse laws. Attorneys in our firm, for example, have authored the leading treatises published by the Bureau of National Affairs (BNA) on the federal anti-kickback law and the Stark law, and have published numerous law review articles on these subjects. A partner in the firm also wrote the 2014 American Health Lawyers Association Monograph on the Stark Law, the fifth edition of a treatise he first wrote in 1998. The firm’s attorneys have also served as expert witnesses on Stark law and fraud and abuse matters, in both arbitration and litigation, including civil and criminal proceedings. In addition, we have a multi-disciplinary working group, the Fraud & Abuse Practice Group, that meets regularly for members to share insights and updates.

We provide the following services related to Stark and fraud and abuse issues:

- Structuring and implementing all types of hospital/physician financial relationships, contracts and transactions;
- Designing compliance, programs, policies and procedures to address Stark and fraud and abuse laws;
- Unwinding transactions, as necessary, to address changing regulatory standards;
Hospital/physician joint ventures, mergers and acquisitions;
Management agreements and other physician alignment models;
Physician recruitment and retention arrangements, including developing policies and procedures, providing counseling advice, and drafting and negotiating documents;
Conducting internal investigations to determine whether violations of the Stark or fraud and abuse laws have occurred;
Assisting clients with implementing any necessary corrective action, up to and including self-disclosures to governmental authorities when appropriate;
Preparing, submitting, and obtaining approval on a number of fraud and abuse and Stark advisory opinion requests;
Working extensively with state and national trade organizations and other clients in commenting on, revising, and drafting regulations and legislation in the area of health care fraud and abuse, including guiding bills through the legislative process.

News

CMS Proposes Changes to Telehealth Reimbursement, Stark, Substance Use Disorder Treatment Reimbursement, and Evaluation & Management Reimbursement in the CY 2019 Physician Fee Schedule Proposed Rule
July 14, 2018

Precious Murchison Gittens Selected as a Member of Health Law 360 Advisory Board
March 19, 2018
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December 11, 2017

Without Motive, Murder Hard To Prove In Meningitis Trials
October 31, 2017
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What To Watch For In 2nd Meningitis Murder Case
September 18, 2017
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Pharmacist in Deadly Meningitis Outbreak Heading to Trial
September 17, 2017
*Boston Globe (AP)*

Best Lawyers in America Recognizes 15 HLB Attorneys
August 16, 2017

Bankrupt Lab Sues Physicians and Hospitals Nationwide
July 10, 2017

Chambers Once Again Recognizes HLB Firm, Attorneys as Top Health Law Performers
May 26, 2017

Judge Told Jurors In Meningitis Outbreak Case To Be Unanimous — But Verdict Form Shows Division
May 15, 2017
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NECC Verdict Could Serve as Blueprint for Other Trials
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Verdict Form Reveals Close Call In Meningitis Murder Case
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Pain Doctor Who Prescribed Large Amounts of Oxycodone Pleads Guilty to Fraud
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What Could Bermuda’s Legal Strategy Against Lahey Clinic Be?
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Hooper, Lundy Adds DOJ Health Fraud Deputy in Boston
January 25, 2017
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Hooper, Lundy & Bookman Opens Boston Office
January 18, 2017

OIG Adds New Anti-kickback Safe Harbors, Expands CMP Exceptions
December 21, 2016
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Significant New Stark Rules Finalized
November 11, 2015

Significant Proposed Changes to Stark Rules Announced
July 21, 2015

Hospital Hit With $237 Million Stark Law Judgment
July 7, 2015

OIG Issues Fraud Alert on Physician Compensation
June 9, 2015

March 24, 2015

HLB Attorney Charles Oppenheim Authors New Comprehensive Stark Guide
January 13, 2015

OIG Signals Flexibility for Evolving Healthcare Reform Initiatives
October 10, 2014

Health Law Perspectives

Halifax Case Signals Greater Stark Law Enforcement
Health Law Perspectives, June 2014, June 1, 2014

Other Publications

A Sharpened Focus on Remediation in Federal Investigations
Compliance Today, April 2018

BNA Health Care Fraud Report: Tick, Tick, BOOM: CMS’s Proposed 60-Day Rule Would Create Intense Time Pressure for Providers to Identify, Report, Return Overpayments
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BNA Health Care Fraud Report: Is Health Care Marketing Protected Commercial Speech Under the Supreme Court’s Decision in Sorrell?
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